

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Dana Wheeler, et al.

v.

Civil No. 10-cv-00145-JD

HXI, LLC

PROCEDURAL ORDER: PRELIMINARY INJUNCTION HEARING

A hearing on defendant/plaintiff-in-counterclaim HXI, LLC's ("HXI") motion for preliminary injunction (doc. no. 21) (affidavits and offers of proof, with the parties to agree on which witnesses must be present) will be held **August 24, 2010 at 10:00 a.m.**

The plaintiffs/defendants-in-counterclaim Dana Wheeler's and Radio Physics Solutions, Inc.'s objection to the motion is due **August 18, 2010.**

On or before **5:00 p.m. on August 19, 2010**, the parties shall jointly file:

- a single timeline setting forth all pertinent dates, times, and events, in whatever format the parties jointly choose (in other words, the parties need not comply with Local Rule 5.1(a) with respect to the timeline);
- a single joint filing containing a statement of agreed facts followed by a statement of disputed facts. The disputed facts are not an invitation to advocacy (i.e., "The plaintiff can not establish irreparable harm because" or "There is a strong likelihood of success on the merits because"). The parties should simply list facts they intend to establish at the hearing, or which they contend will not be established at the hearing.

On or before **5:00 p.m. on August 20, 2010**, each party shall file:


- a witness list;
- an exhibit list; and

- proposed findings of fact and rulings of law.

Counsel shall confer before the hearing to identify all areas of agreement and disagreement as to the admissibility of each exhibit.

On or before **5:00 p.m. on August 20, 2010**, HXI shall file a proposed order in compliance with Rule 65 and Local Rule 65.1. The order shall specifically address the amount of the bond, if any, under Rule 65(c).

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

Dated: July 30, 2010

cc: Laura E. Coltin Ogden, Esq.
Jeffrey S. Siegel, Esq.
Mark M. Whitney, Esq.
Benjamin H. Klein, Esq.
David J. Shlansky, Esq.
Derek D. Lick, Esq.